

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARIA COLLADO, MARINO LALANE,
JOSE COLLADO, DELMIRA BAEZ, and
CARMEN LOPEZ,

Plaintiffs

ORDER

- against -

16-cv-7173 (ILG)

946 BUSHWICK AVENUE, LLC,
SAFEGUARD REALTY MGNT, INC.,
GRAHAM JONES, and BENJAMIN SOPKIN

Defendants.
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For the reasons stated on the record at today's conference, and based upon the affidavits of Maria Collado, Marino Lalane, Jose Collado, Delmira Baez, and Carmen Lopez, the affirmation of Lina Lee, the annexed Memorandum of Law, and the attached exhibits, the Court finds that plaintiffs have established irreparable harm and a likelihood of success on the merits so as to warrant issuance of a temporary restraining order enjoining defendants from taking any action to remove from operation the sole elevator located at 946 Bushwick Avenue, Brooklyn, NY 11221 without providing any reasonable accommodation to plaintiffs. In particular plaintiff Maria Collado, who is wheelchair bound, has demonstrated that she will be irreparably harmed if she is unable to use the elevator to leave the apartment building. Further, the Court is satisfied that there are "sufficiently serious questions going to the merits to make them a fair ground for litigation and a balance of hardships tipping decidedly toward the [plaintiffs]." Jackson Dairy, Inc. v. H. P. Hood & Sons, Inc., 596 F.2d 70, 72 (2d Cir. 1979)

It is therefore ORDERED pursuant to Fed. R. Civ. P. 65(b) that, pending a hearing on the preliminary injunction motion:

1. Defendants 946 BUSHWICK AVENUE, LLC, SAFEGUARD REALTY MGNT, INC., GRAHAM JONES, and BENJAMIN SOPKIN are temporarily stayed from taking any action to remove from operation the sole elevator located at 946 Bushwick Avenue, Brooklyn, NY 11221 without providing any reasonable accommodation to Plaintiffs; and

2. The requirement of a security pursuant to FRCP 65(c) is waived based on Plaintiff's indigent status.

3. Pursuant to FRCP 65(b)(2), this Order shall expire on January 18, 2017, following the conclusion of the hearing that the Court will hold on plaintiffs' preliminary injunction motion. The parties are directed to appear for that hearing at 225 Cadman Plaza East, courtroom 8B, on January 18, 2017 at 2:00 p.m.

It is further ORDERED that plaintiffs serve this Order on the New York City Department of Buildings.

Dated: Brooklyn, New York
January 4, 2017

A handwritten signature in black ink, appearing to read 'I. Leo Glasser', written over a horizontal line.

I. Leo Glasser
Senior United States District Judge